

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

SPEECH FIRST, INC.,

Plaintiff,

v.

BRIAN MCCALL, in his official capacity as
Chancellor of the Texas State University Sys-
tem, *et al.*,

Defendants.

Case No. 1:23-cv-411-DAE

**PLAINTIFF'S NOTICE REGARDING COMPUTER
POLICIES AT OTHER TEXAS UNIVERSITIES**

At today's hearing, this Court asked the parties for supplemental research on the computer policies at other public universities in Texas. It asked Defendant to discuss the policies within the Texas State System, and it asked Plaintiff to discuss the policies outside the Texas State System.

Plaintiff's research is below. Speech First quickly surveyed the computer policies at the 25 biggest public universities in Texas (excluding Texas State). In short, it appears that the vast majority of universities do not ban students from sending political emails at all, or have policies that are narrower than Texas State's. A handful of universities have policies like Texas State's, but those policies likewise violate the First Amendment rights of students.¹

* * *

The following universities do not restrict students from using university email for political purposes:

- Texas A&M, *Acceptable Use Policies*, perma.cc/D9V2-UUAX.

¹ To be clear, Speech First believes it's entitled to a preliminary injunction against the *original* harassment and computer policies. Its challenges to those policies are still live because the University's amendments are just voluntary cessation. This voluntary cessation does not defeat Speech First's right to a preliminary injunction because, among other reasons discussed at the hearing, the new policies are still unconstitutional (and the harassment policy now appears to conflict with the system's overriding definitions of harassment, *see* Compl. (Doc. 1) at 13-14 ¶¶47-51 (quoting *TSUS Rules and Regulations and TSUS Sexual Misconduct Policy*, perma.cc/EVR4-3UH5)). Regardless, the research in this notice is relevant to both the original and the amended computer policies.

- University of Houston, *Information Technology User Guide*, perma.cc/DJ3T-M4AY.
- University of Houston–Downtown, *Student Technology Use Agreement*, perma.cc/GW9S-HGT2.
- West Texas A&M University, *Information Security Standard – Acceptable Use*, perma.cc/9PZ5-R7SP.
- Stephen F. Austin State University, *Acceptable Use of Information Resources*, perma.cc/KS5N-3WLV. Though Stephen F. Austin has a policy that prohibits “political lobbying or campaigning,” that policy applies only to emails from university “employees.” *Acceptable Use of Information Resources*, perma.cc/XK3P-EKC2.
- While North Texas bans the “transmission of political material in accordance with [the] University’s ethics policy,” *Policy 14.003 Acceptable Use*, perma.cc/R7QH-CP9R, the university’s ethics policy applies only to “officers and employees.” *Policy 05.015 Ethics*, perma.cc/J6EP-54MA.
- Angelo State University states that “[e]mployees must not use university information systems for political lobbying or campaigning” but does not appear to have a similar policy for students. *OP 44.12 Personnel Security*, angelo.policystat.com/policy/10659136/latest.

The following universities restrict students from using university email for political purposes, but their policies are narrower than Texas State’s:

- Texas A&M–Corpus Christi prohibits only the use of email “to conduct organized political activity that is inconsistent with the university’s tax-exempt status.” *IT Acceptable Use*, perma.cc/PQD4-LRVB.
- UT–Austin broadly allows students to use their university emails for “incidental” personal uses. It prohibits only “political lobbying or campaigning.” *Acceptable Use Policy for Students*, perma.cc/4CKT-56AA.
- UT–San Antonio, UT–Arlington, UT–Rio Grande Valley, UT–El Paso, UT–Dallas, and UT–Tyler all have the same policy as UT–Austin. *11.03 Acceptable Use*, UTSA, perma.cc/DL3V-PWJR; *Informational Security & Acceptable Use Policy*, UT–Arlington, perma.cc/PFB9-LAU9; *Information Resources Acceptable Use and Security Policy Agreement*, UT–Rio Grande Valley, perma.cc/QM8E-KUF7; *UTEP Standard 2: Acceptable Use of Information Resources*, UTEP, perma.cc/L9XY-DZQE; *Information Security and Acceptable Use*, UTD, perma.cc/6XVG-N62B; *Information Resources Acceptable Use and Security Policy*, UTT, perma.cc/DG96-JXJA.
- Texas Woman’s University, Tarleton State University, Texas A&M University–Commerce, and Sam Houston State University all have a policy materially identical to UT–Austin, prohibiting “political lobbying or campaigning.” *Computer & Software Acceptable Use Policy*, TWU, perma.cc/LT3B-9P84; *Information Technology Services Email Use Standard*, Tarleton State Univ., perma.cc/P3U2-39YQ; *Use of Telecommunication Services*,

TAMUC, perma.cc/7EDK-2UCT; *Electronic Communication Policy*, SHSU, perma.cc/T2F4-27Y4.

The following universities, like Texas State, appear to restrict students from sending political emails:

- Prairie View A&M University bans students from sending “[m]essages of a religious, political, or racial nature.” *Internet Use Procedures & Policies*, perma.cc/VZ24-YAC3.
- Texas Tech bans students from using its “University Information Resources” for “political purposes.” *Acceptable Use*, perma.cc/JU5U-D5VG.
- University of Houston–Clear Lake prohibits students from sending email that “[i]s related to any form of political lobbying.” *Information Security Program Acceptable Use Policy for UHCL Public Computers and Networks (ISPOL04)*, perma.cc/3FJX-3CWR.

Date: August 30, 2023

Respectfully submitted,

/s/ Cameron T. Norris

J. Michael Connolly

Cameron T. Norris

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CERTIFICATE OF SERVICE

Per the Court’s instructions, I emailed this document to Chambers, cc’ing opposing counsel.

I also e-filed it via ECF.

/s/ Cameron Norris